

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: ) No. C 07-1594 MMC (PR)  
 )  
TERRANCE GUTHERY, ) **ORDER OF DISMISSAL; DENYING  
 ) APPLICATION FOR LEAVE TO  
 ) PROCEED IN FORMA PAUPERIS  
 )  
Plaintiff. ) (Docket No. 3)  
 )**

Plaintiff, a California prisoner proceeding pro se, filed the above-titled civil rights action on March 20, 2007.<sup>1</sup> That same date, the Court notified plaintiff in writing that the action was deficient due to his failure to pay the requisite filing fee or, instead, submit a completed court-approved in forma pauperis (“IFP”) application. In said notice, plaintiff was advised that his failure to pay the filing fee within thirty days or, alternatively, to file a completed IFP application, including a trust account statement showing transactions for the preceding six months and a certificate of funds form signed by an institution official, would result in dismissal of the action. Along with said notice, plaintiff was sent a copy of the Court’s IFP application, instructions for completing it, and a return envelope. On March 28, 2007, the Court received an IFP application from plaintiff, but not a trust account statement or a completed and signed certificate of funds form, contrary to the Court’s instructions.

As more than thirty days have passed since the deficiency notice and plaintiff has not

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<sup>1</sup>The above-titled action was opened by the Clerk’s office as a civil rights action when the Clerk received a letter from plaintiff in which he complained of constitutional violations in connection with his confinement.

1 completed the IFP application or paid the filing fee, the above-titled action is hereby  
2 DISMISSED without prejudice.

3 The incomplete application to proceed in forma pauperis is hereby DENIED and no  
4 fee is due.

5 This order terminates Docket No. 3.

6 The Clerk shall close the file.

7 IT IS SO ORDERED.

8 DATED: June 8, 2007

  
9 MAXINE M. CHESNEY  
10 United States District Judge